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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------------|---|-----------------------------|
| JIAN MING ZHONG and CHEN ZHONG, |) | No. C 08-2871 WHA |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | JOINT MOTION TO BE EXCUSED |
| |) | FROM THE FORMAL ADR PROCESS |
| UNITED STATES DEPARTMENT OF |) | |
| STATE, et al., |) | |
| |) | |
| Defendants. |) | |

Plaintiffs, by and through their attorney of record, and Defendants by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to the following:

Each of the undersigned certifies that he or she has read either the handbook entitled "Dispute Resolution Procedures in the Northern District of California," or the specified portions of the ADR Unit's Internet site <www.adr.cand.uscourts.gov>, discussed the available dispute resolution options provided by the court and private entities, and considered whether this case might benefit from any of them.

Here, the parties agree that referral to a formal ADR process will not be beneficial because this mandamus action is limited to Plaintiffs' request that this Court compel Defendants to adjudicate a visa application, or review the refusal of the visa. Given the substance of the action and the lack of any potential middle ground, ADR will only serve to multiply the proceedings and

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unnecessarily tax court resources. Accordingly, pursuant to ADR L.R. 3-3(c), the parties request the case be removed from the ADR Multi-Option Program and that they be excused from participating in the ADR phone conference and any further formal ADR process.

Dated: August 14, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
MELANIE PROCTOR¹
Assistant United States Attorney
Attorneys for Defendants

Dated: August 14, 2008

/s/
DANIEL HUANG
Attorney for Plaintiff

PROPOSED ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated:

WILLIAM ALSUP
United States District Judge

¹I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this efiled document.